

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Tracy Bly,

Appellant,

v.

Case No. 10-REM-01-0008

Richland County
Children Services Board,

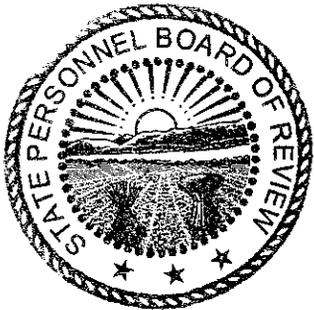
Appellee.

ORDER

This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED**, for lack of subject matter jurisdiction, pursuant to O.A.C. § 124-1-03(I).



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

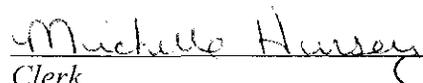


J. Richard Lumpe, *Chairman*

CERTIFICATION

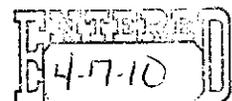
The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute (the original/a true copy of the original) order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, April 7, 2010.



Clerk

NOTE: Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.



**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Tracy Bly,

Case No. 10-REM-01-0008

Appellant

v.

March 5, 2010

Richland Co, Children Services Board,

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

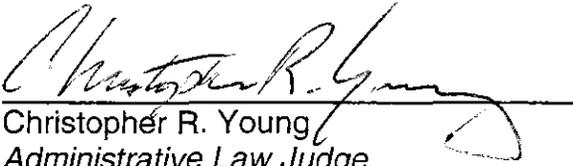
To the Honorable State Personnel Board of Review:

This matter came on for consideration March 5, 2010, upon Appellant's filing of an appeal of her removal, upon Appellee's response to the Procedural Order and Questionnaire previously issued on January 21, 2010, received by this Board on February 3, 2010, and upon the Appellant's response to Appellee's answers to the Questionnaire filed on February 5 and February 8, 2010, and upon Appellee's motion to dismiss file on February 3, 2010. To date, the Appellant has not filed a memorandum in opposition to Appellee's motion to dismiss, but the undersigned will consider both of the Appellant's responses to the questionnaire in this light.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within thirty (30) calendar days after Appellant received actual notice of her removal and/or probationary removal, as required by Ohio Administrative Code Section 124-1-03(I).

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.

Tracy Bly
Case No. 10-REM-01-0008
Page 2


Christopher R. Young
Administrative Law Judge

CRY: